

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 11, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 09od-132

OAHU

Set Aside to City and County of Honolulu for Addition to Waimanalo Wastewater Treatment Plant Purposes, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-009:262 and road.

APPLICANT:

City and County of Honolulu

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Waimanalo, Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-1-009:portion of 262 and road, as shown on the attached map labeled Exhibit A.

AREA:

To be determined.

ZONING:

State Land Use District:	Urban
City and County of Honolulu LUO:	AG-1

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Revocable Permit No. 6392 to Waimanalo Polo Club for Polo field and related activities as defined herein and also, Waimanalo Community Youth athletic

programs.

PURPOSE:

Addition to Waimanalo Wastewater Treatment Plant purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS: Applicant shall be required to:

- 1) Concurrence the permittee of revocable permit No. 6392;
- 2) Process and obtain subdivision at Applicant's own cost; and
- 3) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

By Governor's Executive Order No. 3434, an area of 10.093 acres has been set aside to the City and County of Honolulu (City) for Waimanalo Wastewater Treatment Plant purposes. The site abuts Hihimanu Street, as shown on Exhibit A.

Over the years, vehicular access to the site is over a roadway easement (0.38 acre) reserved in the parcel conveyed to the Department of Hawaiian Home Lands by Land Office Deed No. 28543, and a portion of parcel 262 leased to Waimanalo Polo Club under Revocable Permit No. 6392.

Engineering Division of the Department is working with the City regarding the improvement of the road, and the lack of proper land disposition over the current access was discovered. The subject request is to provide a formal land disposition over both portions to the City for access purpose.

Staff does not recommend any changes in the rental for RP 6392 as the easement request will not affect the existing use of the same area.

To provide the continuance use of the requested area prior to the issuance of the executive order, staff recommends the Board issue a management right-of-entry over the requested area.

Staff believes the proposed use is appropriate over the requested area as it has been used as an access for a long time.

Board of Water Supply and Engineering Division have no objection to the request.

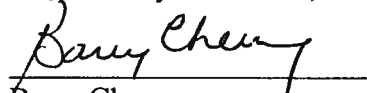
Further, Department of Health, Department of Hawaiian Home Lands, Commission on Water Resource Management, and Department of Planning and Permitting have no provided comments as of the suspense date.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to City and County of Honolulu under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve the issuance of a management right-of-entry to the City and County of Honolulu prior to the issuance of the executive order and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

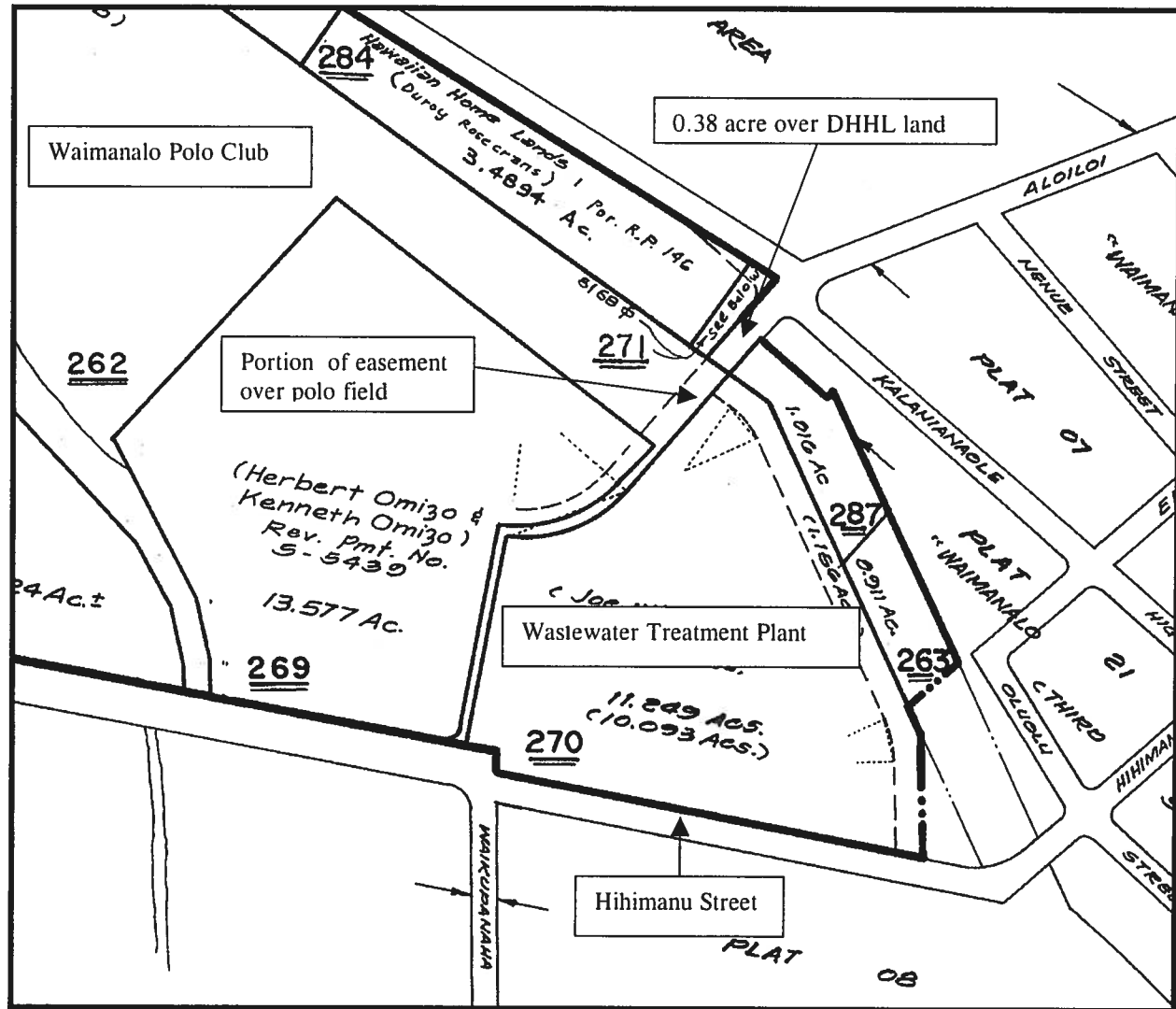


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



(1) 4-1-009:262 & road